

DEPARTMENT OF THE NAVY

NAVAL FACILITIES ENGINEERING COMMAND 1322 PATTERSON AVENUE, SE, SUITE 1000 WASHINGTON NAVY YARD, DC 20374-5065

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> > MAY 0 3 2017

Ms. Kathryn Watson Daily Caller News Foundation 1050 17th Street, NW Washington, DC 20036

Dear Ms. Watson,

Subj: YOUR FREEDOM OF INFORMATION (FOIA) CASE NUMBER DON-NAVY-2017-006011

A referral was received from the Naval Inspector General who is currently processing your FOIA request DON-NAVY-2016-009522. The referral was received on May 2, 2017 and assigned case number DON-NAVY-2017-006011.

We have identified nine pages of documents that are responsive to your request. Portions of these materials are being withheld under the following FOIA Exemptions; (5 U.S.C. § 552 (b)(6)) which protects personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (5 U.S.C. § 552 (b)(2)) which protects information related solely to the internal personnel rules and practices of an agency.

You have the right to appeal this response. An appeal must be received within 30 calendar days of the date of this letter. Since you have created an account in FOIAonline, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to The Department of the Navy, Office of the General Counsel (ATTN: FOIA APPEALS), 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation, "Freedom of Information Act Appeal."

Further questions regarding the action this office has taken may be directed to Abby Machalec, abby.machalec@navy.mil. Please refer to your FOIA case number DON-NAVY-2017-006011 whenever corresponding about this request.

Sincerely,

P. A. POLLOCK

Chief Management Officer

Copy to:

COMNAVFACENGCOM (IG)

Investigative Report (NIGHTs Case # 201401610)

NAVFAC Northwest Investigative Report 19 June 2014

1.	Investigator(s)	and	identifying	Information	and Location	of V	Vorking Papers

- a. Investigator(s) and Identifying Information. GS-13, Command Inspector General, Naval Facilities Engineering Command Northwest (NAVFAC NW), Tel: (360) 936-0007, e-mail: (36
- b. Location of working papers. NAVFAC NW, Locked Cabinet, Office of the Inspector General, Attn: 09IG, 1101 Tautog Circle, Silverdale WA, 98315-1101

2. Background and Summary

a. NIGHTS Control number, Dates of Receipt, and Tasking Dates. Case formally assigned the Navy Inspector General Hotline Tracking System (NIGHTS) control number 201401610 on the same date of receipt of the complaint, 27 May 2014. IO performed a Preliminary Inquiry from 27 May to 04 June 2014. Navy Inspector General (NAVIG) granted permission for full investigation on 04 June 2014.

b. Summary of Complaint.

(1) On 27 May 2014, at 08:18 AM, the NAVFAC Northwest Inspector General
received a complaint via email from (a) (b) (c) NAVFAC Northwest Base Support
Vehicle & Equipment (BSVE) Product Line Coordinator (PLC), (Exhibit 1).
forwarded emails from Multiple Public Works Department Everett (PWDE) personnel
reporting possible misuse of a government-owned vehicle (GOV) by (6) (6)
the PWDE Installation Energy Manager. The allegations indicated (6) (6) checked
out a GOV on Wednesday, 14 May 2014, and traveled to the Naval Pacific Beach
Installation (MWR resort) on Thursday 15 May 2014. While at Pacific Beach,
engaged in conversation with two other PWDE employees, (6)
(PWDE Engineering Tech) and (Section 1997) (PWDE Engineering
Tack and the state of the state
Tech. and and and claimed that indicated to them that
he had traveled from Redmond that morning to get to Pacific Beach. As
was exiting Pacific Beach later in that same day, (b) (6) noted that
was driving a GOV.
his home in Redmond. Subsequently, both to the and the contract reported
the possible misuse of a GOV by the possible to their supervisor and the PWDE
Transportation Operations Supervisor, Communication on 16 May 2014.
(2) reported the suspected GOV misuse and his observations of
actions to 60 (6) and PWDE Transportation Specialist via efficial on
20 May 2014, at 12:43 AM. His email stated to the had checked out a GOV on
Wednesday, 14 May 2014 for use on Thursday, the 15th, to conduct official business at

Pacific Beach, and use on Friday the 16th for a meeting with the NAVFAC Northwest Commanding Officer, and the vehicle was to be returned upon completion of business on Friday the 16th. Due to his concerns regarding reports by and indicated at approximately 0650 hours on Monday, 19 May(£014, he checked the night time drop box for keys to the GOV had had checked out and the keys had not been returned. Called he work phone at approximately 0730 hours and noted the phone was forwarded. When answered, he indicated to he would return the car shortly. At approximately 0827 hours, but the GOV, license plate number (G134707N) and proceed to the NEX Citgo gas station to refuel the vehicle. The returned the vehicle dispatch desk. The total mileage for duration of the trip was 439.1 miles.

d. Summary of the outcome of investigation.

(1) In regards to the allegation (6) (3) used a GOV to transport himself from his place of employment to his residence in violation of 31 U.S. Code 3344, 41 CFR 102-34.200, DoD Instruction 4500.36, and NAVFAC Publication 300, from 14 May to 19 May 2014, both his own statements and witness testimony substantiate the admitted to the infraction in his sworn and written statements allegation. (Exhibits 2 & 3 respectively). Two witnesses indicated by (6) claimed to have traveled from Redmond, Washington, the morning of the 15 May, and my continuous continuous and my continuous c admits this was the case. Is to the witnessed to the divergence of base with the GOV the morning of the 19 May. The admits to maintaining the vehicle at his residence from the night of the 14 May until 19 May, when he returned the vehicle to the Everett Transportation Lot. In the further implicated himself in taking a GOV to his residence on 4 previous occasions beginning on 03 October 2014, but claims the circumstances of his infractions are mitigated by his attention to ORM/safety, the savings to the Navy of energy/resources, and his supervisor, permission to take the vehicle to his residence. However, indicated he did not know to staging a GOV at his residence, nor did he give permission to to do so (Exhibit 4). Further, 😭 😘 who has personally checked out indicated he has specifically fold in the that driving a GOV to his home is prohibited by regulation. To the further provided five PWDE transportation Rental Agreement forms signed by (6) detailing use guidelines and regulations (Exhibits 5 and 7).

3. First allegation.

(1) That PWDE Installation Energy Manager, GS-12, on divers occasions from 14 May through 19 May 2014, used a government vehicle to transport himself from his place of employment to his residence in violation of 31 U.S. Code 3344, 41 CFR 102-34.200, DoD Instruction 4500.36, and NAVFAC Publication 300.

a. Facts

- (1) According to documents provided to the IO by 2014, via email, 2014, via email, 2014, which is made a reservation for to use a GOV on 12 May 2014. The reservation was for an official working trip to the Pacific Beach Naval Installation for construction inspection, and a trip to Bangor for a meeting with the NAVFAC Northwest Commanding Officer. The scheduled time of pick-up was before lunch on 14 May 2014, with a return date of 16 May 2014. According to the personally took the reservation from (10) 100 because it was his own hand writing on the reservation from (Exhibit 6).
- (2) On 14 May 2014, at 1000 AM, and the checked out a GOV License plate number G134707N from the PWDE Transportation shop. Stated he did not personally check the vehicle out to good on this date. He specified that the hand writing on the Rental Agreement form, Dated 14 May 2014, was that of good who was recently detailed to transportation. The Rental Agreement form was signed by 1016 and 14 May 2014 (Exhibit 7).
- (3) The Rental Agreement form used by PWDE Transportation contains highly explicit information and instructions regarding the proper use, and warnings of liabilities and penalties for the misuse of a GOV (Exhibit 7). Specifically, the agreement stipulates the following:

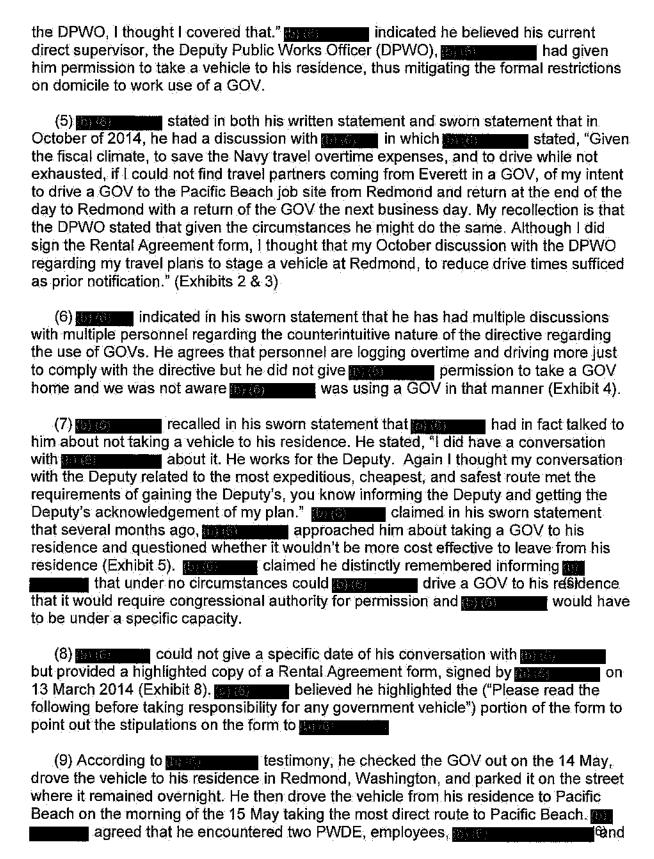
Domicile to Duty (Home to Work)

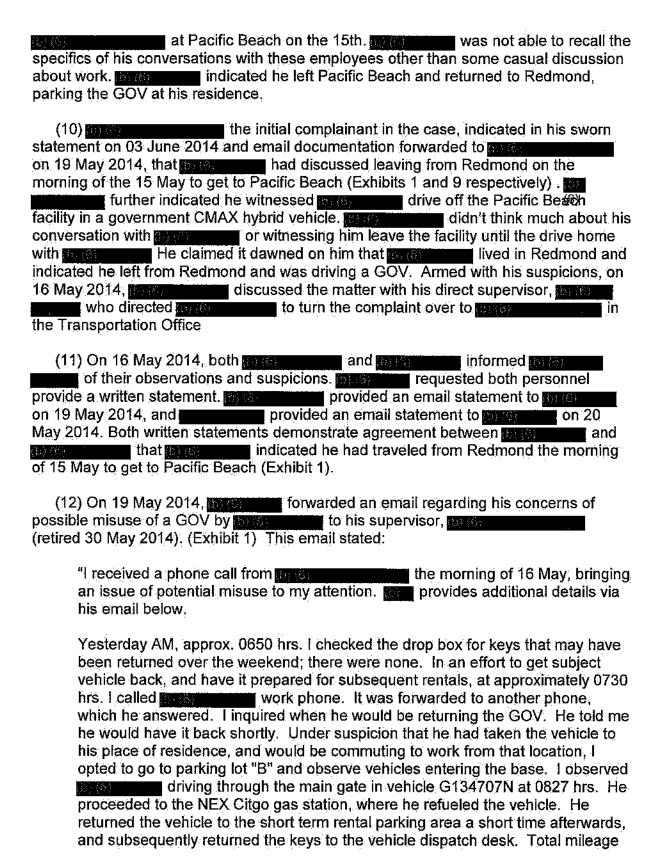
The use of DoD motor Vehicles shall not be authorized for transporting DoD or other personnel over all or any part of the route between their domiciles and places of employment unless authorized by SECNAV (non-delegable). Examples of home to work misuse would be transporting personnel going on or off duty to or from gates, parking lots, BEQs, BOQs, even if the driver was going to use that route for official purposes.

Penalties for Misuse of DoD Motor Vehicles

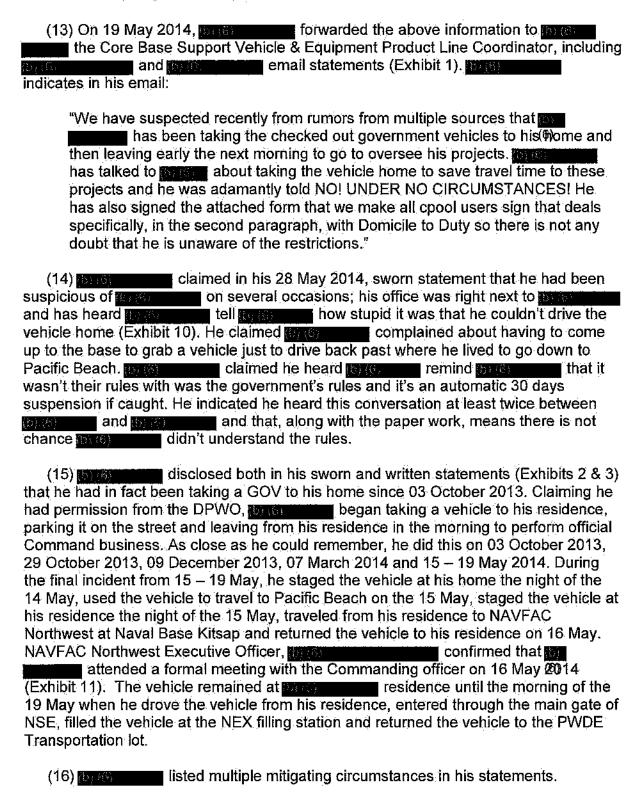
Civilian Personnel. Any officer or employee of the Government who willfully uses or authorized any use of any U.S. Government-owned or leased passenger motor vehicle (except for official purposes as authorized by 31, U.S.C. Section 1344 (b), reference (c)), or otherwise violates section 1344 shall be suspended for duty by the head of the DoD component concerned, without compensation, for not less than 1 month and shall be suspended for a longer period or summarily removed from office if circumstances warrant (31 U.S.C. 1349 (b), reference (d)).

(4) In his 10 June 2014 interview, the IO asked if the least of the Rental Agreement and he indicated "I haven't read through it fully. I saw where I needed to sign my name, flipped it over. See the 100 miles distance they always talk about the fact that if it's more than 100 miles requires approval. My previous discussion with the DPWO, I thought I covered that." Regarding his statement "My previous discussion with





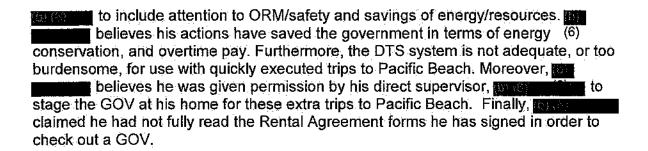
for duration of rental: 439.1"

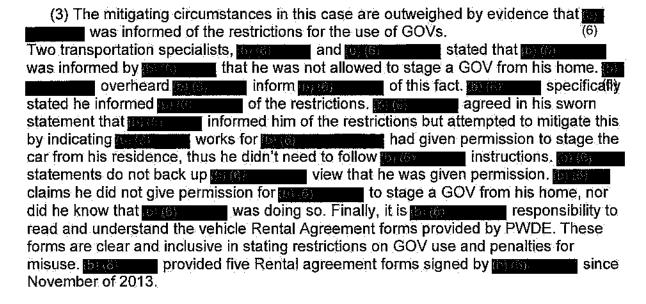


- 2. indicated he saves the government two hours in overtime for each round trip if he stages the vehicle at his residence, south of Everett.
- 3. Everett to Pacific beach and returning via that route is a 10 hour total commute. Staging the vehicle from his residence saves him from driving while tired and drowsy and mitigates this safety concern.
- 4. According to provide it's difficult to obtain reimbursable travel approval through DTS so he had even driven his POV to Pacific beach without asking for mileage reimbursement. He claims the trips to Pacific Beach are not planned out far enough in advance to use DTS.
- 5. stated he has never fully read the Rental Agreement form.
- the PWDE, NAVOSH Safety Officer acted as a witness. (17). (17) during his sworn statement on 10 June 2014. interview that that the same hadn't been with the government long and approaches the use of a GOV with the mindset of energy conservation. ■ indicated a black and white rule had been bent a bit but professional, does his job professionally and has won awards for the base for conserving energy, so to further claimed (a) (a) concerns about safety are valid and the command is pressing personnel to consider Operational Risk Management (ORM) and (b) (3) is taking into account the risks involved with such extended drive times, mitigating risk to himself and other drivers. under the same circumstances, he supports to the same circumstances. decision to try and make this the safest and most economical trip and (a) (a) weighed the odds of the ORM and tried to stay within the regulations for allowable time driving the vehicle without time off and rest. He did not believe (a) (a) was attempting to defraud the government in any way, shape or form but that the same thought he was doing the government a favor by saving the money and practicing safety (Exhibit 2).

b. Analysis/Discussion/Conclusion

- (1) Multiple credible witnesses provided testimony concerning activities from 14 to 19 May 2014, and his alleged misuse of a GOV. Witness testimony, along with his own statements and admissions, leave no question that staged a GOV at his residence in Redmond with the intent to use the vehicle for domicile to duty purposes from 14 to 19 May 2014. In the further admitted that he staged a GOV at his residence on four previous occasions, 03 October 2013, 29 October 2013, 09 December 2013, and 07 March 2014.
 - (2) Multiple mitigating circumstances were conveyed by (6) (6) and (7)





(4) knowingly misused a GOV from 14 through 19 May 2014, when he staged a GOV at his residence to travel to Pacific Beach on the 15 May, to Naval Base Kitsap on 16 May and did not return the vehicle to NSE until 19 May. He further misused a GOV by his own admission on at least four separate occasions since October of 2013 in violation of 31 U.S. Code 3344, 41 CFR 102-34.200, DoD Instruction 4500.36 and NAVFAC Publication 300. The mitigating circumstances do not outweigh the evidence that was informed about restrictions on domicile to duty use of a GOV. Based on this evidence, the allegation is substantiated.

c. Recommendations.

1) Take appropriate administrative action to hold accountable.

d. Disposition.

1) Forwarded to higher authority for appropriate administrative and/or corrective action.

4. Interviews and Documents

a. Exhibits (Interviews conducted/documents reviewed).

- , Email, 27 May 2014, 08:18 AM, Subj. FW GOV incident (G134707N). , Email 21 May 2014, 10:01 AM, Subj: FW: GOV Incident (G134707N) , Email, 20 May 2014, 12:43 PM, Subj: FW: GOV Incident (G134707N) , Email, 19 May 2014, 9:42 AM, Subj. GOV Incident I, Email, 20 May 2014, 1:41 PM, Subj: Abuse of G.O.V. Privilege Sworn Statement (Unsigned), 10 June 2014, 11:33 AM. 2. **B** 3. 100 Written Statement, Signed, 10 June 2014. Sworn Statement, Signed, 16 June 2014. Sworn Statement, Signed 23 June 2014. 6. GSA Vehicle Reservation form, provided by I via email on 29 May 2014. 7. Five Rental Agreement forms signed by Provided by ■ via email on 29 May 2014. (6)8. Rental Agreement form (highlighted), signed by 18 161 Provided by to the IO, at the NSE Transportation Shop, on 10 June 2014. Sworn Statement, Signed 16 June 2014. 9. 100 100 10. Sworn Statement, (unsigned), 28 May 2014. 11. Email, 05 June 2014, 8:29 AM, Subj: RE: Investigation Everett Further Documents reviewed Sworn Statement, Signed 23 June 2014. Edmonds Kingston Ferry Receipts, 16 June 2014, Provided by , 28 May 2014.
- 1. (3) (6)
- 2.
- 3. Command Organization Chart, July 2013.
- 4. Interviewee In-Briefing
- 5. 31 U.S. Code 1344 Passenger Carrier Use
- 6. 41 CFR 102-34 200 What is Official Use of Government Equipment
- 7. DoD Instruction 4500.36, 11 December 2012 Acquisition Management, and Use of non-Tactical Vehicles (NTVs)
- 8. NAVFAC Publication 300 (P-300) Management of Civil Engineering Support Equipment, September 2003.